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C O N F I D E N T I A L SECTION 01 OF 03 BAKU 000580

SIPDIS

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(PSTRONSKI)

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SUBJECT: AZERBAIJAN: PRESIDENT SAYS ARREST OF TWO YOUTH ACTIVISTS WAS "TO PROTECT OUR STATEHOOD"

REF: A. BAKU 557

[¶](#)B. BAKU 567

Classified By: Charge d'Affaires (a.i.) Donald Lu, reasons 1.4 (b) and (d).

[¶](#)1. (C) Summary: On July 20 a Baku appeals court upheld the pre-trial detention for two months of bloggers and youth activists Emin Milli and Adnan Hajizade (Reftels). The case has been distinguished by unusual levels of intervention by the European Union and national governments, although the European institutions (OSCE and Council of Europe) have been restrained in their response. Embassy has delivered demarches at the MFA and Presidential Administration. While the MFA seems sensitive to the damage wrought on Azerbaijan's reputation by this case, the Presidential Administration is unimpressed by foreign representations and unwilling to have a constructive dialogue on the issue. The President himself is said to have told the visiting EU Presidency when this issue was raised that while such measures appear harsh, they are necessary "to protect our statehood." Observers believe this to be a clear reference to the alleged dishonoring of the Presidency by one of the jailed youth leaders in a satirical YouTube video featuring the youth leader in a donkey costume. End Summary.

EUROPEAN REACTION - HOT AND COLD

[¶](#)2. (C) European reaction to the case has been a combination of public statements and private demarches to the President and senior GOAJ officials, and has generally been stronger than usual. The case came up during the visit of the EU "troika" headed by Swedish FM Carl Bildt. According to an EU official in Baku, Aliyev barely responded when Bildt asked him about the case in their private meeting. However, when challenged by a member of the EU delegation in a larger meeting, Aliyev replied that Azerbaijan sometimes has to take measures to defend its "statehood" and while it may seem harsh, what is happening is necessary. (Comment: Observers interpret the President as signaling that it was necessary to discipline those who would disrespect the Presidency -- a reference to the now infamous donkey video (see reftels). End Comment.)

[¶](#)3. (C) Germany has been the most vocal, reflecting their disgust with the attack on Milli, who had been hired as the interpreter for visiting German human rights ombudsman Gunther Nooke. Nooke gave a 16 July interview to Deutsche Welle wherein he called Aliyev a "dictator" three times and

referred to Azerbaijan as a "tyranny." During Aliyev's trip to London three days after the incident, HMG Minister for Europe Baroness Kinnock confronted him over the case. (Note: We understand that some expatriate Azerbaijanis planned a demonstration in London but that Milli's family intervened to call it off. End Note.)

¶4. (C) The EU has responded by sending a blunt but respectful letter to Aliyev through the Embassy of Hungary (representing the Swedish Presidency). The letter was legalistic but also indirectly connected the case with the Eastern Partnership that the EU has offered to Azerbaijan and five other post-Soviet states. The EU plans a statement at the OSCE Permanent Council set for June 23.

¶5. (C) The OSCE and Council of Europe have remained quiet. The OSCE Secretary-General raised the issue gently with Aliyev when he visited Baku, but the organization's ambassador - a career Turkish diplomat - has taken every available opportunity to soften whatever message was delivered. Shrewdly, Aliyev told the Secretary-General that he had no problem with international organizations' making representations about the case, as they have a mandate, but that he could not accept interference from foreign governments on a bilateral basis. The Council of Europe's local representative has lobbied Strasbourg without success for a stronger public posture, and is also working with the ICRC to obtain access to the prisoners.

DEMARCHES GET VARYING ANSWERS

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¶6. (C) In addition to making a public statement on July 10, the Embassy has raised the case at the Presidential Administration and at the Foreign Ministry. Charge requested to meet with the chief of the administration Ramiz Mehdiyev, but found at a separate meeting July 17 with the presidential foreign policy adviser Novruz Mammadov that Mehdiyev was out of town. Mammadov then broached the subject himself. Noting repeatedly that this was not his bailiwick, being a law enforcement matter, Mammadov nevertheless complained at length that Azerbaijan's image was suffering "unjustly" because of the case. The Charge shared points with Mammadov and asked him to convey them to Mehdiyev.

¶7. (C) Similarly, Polcouns met with Elnur Aslanov, the policy planning chief at the Presidential Administration. Aslanov, while claiming to know Milli and Hajizade, and to have turned to them from time to time for advice, said he had been surprised by their arrest. He said he doubted their story and wondered how two men had supposedly beaten Milli and Hajizade up while they were in a group of seven people. Aslanov also described the case as a matter for law enforcement and counseled patience on the part of Western governments before blithely and oddly telling Polcouns about his office's plans to improve Azerbaijan's image in the West.

¶8. (C) The Ministry of Foreign Affairs has been more sensitive to the reputational damage Azerbaijan stands to suffer as the case gets more international exposure. However, the evidence strongly suggests that the Presidential Administration has far more influence over the case. In a July 22 private conversation with the Charge, Los Angeles Consul General Elin Suleimanov said that he had heard that the Embassy had delivered a message to Presidential Advisor Elnur Aslanov that someone was attempting to undermine the President through the arrest of Milli and Hajizade. Suleimanov remarked, "This is not untrue, but the irony is that you chose to deliver the message via Elnur." He was clearly signaling that the provenance of this campaign rested with Chief of Presidential Administration Ramiz Mehdiyev. Aslanov is a loyal lieutenant of Mehdiyev. Suleimanov, who worked in the Presidential Apparatus before his LA assignment, added that in his attempts to discuss the issue within the

government, he has been told to keep quiet and this is none of his business.

¶9. (C) Additionally, Polcouns met with Rahman Mustafayev, an A/S level official whose responsibilities include oversight of the U.S. bilateral relationship. Mustafayev was much more clearly perturbed by the situation. Alluding to presidential staff, he said that "...(s)ome people here don't want Azerbaijan to have good relations with the West. They act to disrupt things . . . (this group) doesn't care about Azerbaijan's external image." Anecdotally speaking, it appears that FM Elmar Mammadyarov has been embarrassed by the subject when it has been raised to him, including being visibly uncomfortable and not eating anything else once it was raised over lunch during the visit of FM Bildt.

DETENTION UPHELD ON APPEAL

¶10. (C) On July 20, a Baku appeals court upheld the order of the Sabail district court that Emin Milli and Adnan Hajizade be held for two months' pre-trial detention while the police investigate the hooliganism case against them (Reftels). Lawyers for the detainees said afterward that they would appeal simultaneously to the Supreme Court and the European Court of Human Rights (ECHR). The court did not permit outside observers to watch the proceedings, but about 100 activists and diplomats, including U.S. Embassy officers, waited outside the courthouse during the hearing, under the watchful eye of dozens of police officers. The attorneys planned to present civil complaints to the Sabail district court alleging mistreatment of their clients in detention on July 23.

¶12. (C) Milli and Hajizade's lawyers said their clients had been treated decently in detention since being moved out of the police station July 10. However, both are recovering from injuries - Milli's lacerated leg was treated at the police station the night of the incident, however Hajizade's

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lawyer reports that his client's probably broken nose has not been adequately treated. The attorneys told OSCE representatives that Milli and Hajizade's family members have not been given access to the men.

¶13. (C) Comment: The President's comments before the EU troika are the main indicator we have thus far of his thinking about this case. While his equanimity in private discussion and comparative bluster in front of the group - which included some of his own officials) fit a usual pattern for him, his choice of words ("defending statehood") betrays the view that this case is not a mere law enforcement matter but rather a question of an attack on the presidency. The Embassy has sought meetings with the Foreign Minister and additional advisors to the President, to carry our message of concern, but also try to dissuade them from making this an issue of dishonoring the Presidency. Should they continue to do so, it will be extraordinarily difficult, in this culture of unquestioned reverence of the top leader, to de-escalate this crisis and successfully advocate for a positive resolution of this case.

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